

**Adagio Guardian Associates,  
CPGA #10454 and Helen Helfrich,  
CPG #9563**

## AGREEMENT REGARDING DISCIPLINE AND STIPULATED FINDINGS

AGREEMENT REGARDING DISCIPLINE  
(PGB 2008-001)

1                   **I.       STATEMENT OF FACTS**

2                   **A.** On or about February 2008, the Board opened a grievance, 2008-001, based  
3 on an investigation into current cases of a certified professional guardian. The  
4 investigation disclosed that the guardian and agency appeared not to be in compliance  
5 with reporting requirements on four cases.

6                   **B.** At all times relevant herein, Ms. Helfrich was a certified professional guardian  
7 (CPG) pursuant to General Rule of Court (GR) 23, licensed as CPG #9563. Ms.  
8 Helfrich is a manager/member and one of the designated certified professional  
9 guardians of Adagio.

10                  **C.** At all times relevant herein, Adagio was a certified professional guardian  
11 agency (CPGA) pursuant to General Rule of Court (GR) 23, licensed as CPG #10454.

12                  **D.** On August 30, 2007, in Pacific County Superior Court, Adagio was appointed  
13 as guardian of the person *in* cause #00-4-00003-0. The guardian did  
14 not file a personal care plan within three months of appointment as required by RCW  
15 11.92.043(1).  
16

17                  **E.** After receiving a letter dated January 14, 2008 from the Board regarding the  
18 delinquency, the guardian filed a Personal Care Plan on January 24,  
19 2008 and a Designation of Standby Guardian on January 30, 2008. The court approved  
20 the guardian's personal care plan on January 25, 2008.

21                  **F.** On January 20, 2006, in Pacific County Superior Court, Adagio was appointed  
22 as guardian of the person and estate *in* cause #05-4-00058-8. The  
23 guardian filed the personal care plan, inventory and petition for approval of budget and  
24  
25

1 disbursements on June 6, 2006. The guardian filed its annual report on July 3, 2007,  
2 but did not obtain an order approving the annual report.

3 **G.** After receiving the January 14 letter from the Board, the guardian set a  
4 hearing and obtained an order on February 1, 2008 approving the annual report.

5  
6 **H.** On August 12, 2002, in Pacific County, Ms. Helfrich was appointed as the  
7 guardian of the person *in* cause #02-4-00033-8. On June 9, 2006,  
8 the court approved changing the guardian from Ms. Helfrich to Adagio. The guardian  
9 did not file a personal care plan or annual report.

10 **I.** After receiving the January 14 letter from the Board, the guardian filed a  
11 Personal Care Plan and Interim Report on January 25, 2008. The court approved the  
12 guardian's report and personal care plan on January 30, 2008

13  
14 **J.** On August 12, 2002, in Pacific County, Ms. Helfrich was appointed as the  
15 guardian of the person *in* cause #02-4-00030-3. On June 9, 2006, the  
16 court approved changing the guardian from Ms. Helfrich to Adagio. The guardian did  
17 not file a personal care plan or annual report.

18 **K.** After receiving the January 14 letter from the Board, the guardian filed a  
19 Personal Care Plan and Interim Report on January 25, 2008. The court approved the  
20 guardian's report and personal care plan on January 30, 2008

21 **L.** On February 14, 2008, the guardian wrote to the Board and provided copies  
22 of the pleadings filed in the above-described cases. The guardian acknowledged the  
23 failures to report. The guardian stated that there is now an agency-wide system to track  
24 all reporting deadlines.  
25

## **II. VIOLATIONS OF THE STANDARDS OF PRACTICE**

The Board has adopted Standards of Practice (SOP) which govern the professional conduct of certified guardians. Based on the conduct described above, Ms. Helfrich and Adagio violated the following SOP:

SOP 401.1 requires a guardian to be thoroughly familiar with RCW 11.88, RCW 11.92, GR 23 and the Standards of Practice and any other regulations or statutes which govern the conduct of the guardian in the management of affairs of an incapacitated person.

SOP 401.3 requires a guardian to provide reports and accountings that are timely, complete, accurate, understandable, and in a form acceptable to the court.

## **III. PRIOR RECORD OF DISCIPLINE**

Adagio and Helen Helfrich have no prior records of discipline with the Board.

## **IV. DISCIPLINARY SANCTIONS IMPOSED BY THE BOARD**

The Board recognizes as mitigating factors that Adagio and Ms. Helfrich have taken steps to correct the circumstances that led to the grievance. Adagio has set up a unified tracking system for all reporting requirements. The Board acknowledges that no individual client appears to have suffered any harm as a result of the failure to report.

Finally, the Board notes that Ms. Helfrich took immediate steps to address the Board's concern, including completing reports and seeking court approval of those reports. Ms. Helfrich kept the Board informed of the steps she was taking to address the matter and was cooperative throughout the process.

1 Under Disciplinary Regulation (DR) 515.1, any sanction or remedy imposed by  
2 the Board is a disciplinary sanction. A remedy is designed to ensure compliance with  
3 duties, standards, and requirements for a professional guardian. In this matter, the  
4 appropriate remedy is to require Ms. Helfrich and Adagio to create and implement a  
5 unified tracking system for all guardianships which will prevent any future missed or late  
6 filings of reports as well as providing better case management. Ms. Helfrich and Adagio  
7 have complied with the Board's requirement by creating and implementing a unified  
8 tracking system for all guardianships and shall maintain such a system. The Board's  
9 approval and entry of this Agreement is an appropriate disciplinary sanction.

#### 10 **V. VIOLATION OF AGREEMENT**

11 Failure to comply with the terms of this Agreement shall constitute additional  
12 grounds for discipline pursuant to DR 514.4. Failure to use and update the unified  
13 tracking system for all guardianships is a violation of this Agreement. Failure to  
14 complete required reports in a timely fashion may result in a breach of this Agreement.  
15 In the event of an alleged breach of this Agreement, the Board shall provide notice to  
16 Ms. Helfrich and Adagio of the substance of the breach, and Ms. Helfrich and Adagio  
17 shall have 30 days to respond to the allegations of the breach. If the Board finds that  
18 the Agreement has been breached, the Board may pursue disciplinary action against  
19 the professional guardian or agency for violation of the Agreement.  
20

21 This Agreement is binding as a statement of all known facts relating to the  
22 conduct of Ms. Helfrich and Adagio, but any additional existing acts may be proven in  
23 any subsequent disciplinary proceedings.  
24  
25

1                   **VI.     NOTICE**

2                   This Agreement shall be retained by the AOC in Ms. Helfrich's and Adagio's  
3 disciplinary file.

4                   This Agreement shall be open to public access and disclosure. Notice of the  
5 discipline imposed shall be sent to all superior courts pursuant to DR 514.3.2.

6                   **VII.    ENTIRE AGREEMENT**

7                   This Agreement comprises the entire agreement of the parties with respect to the  
8 matters covered herein, and no other agreement, statement, or promise made by any  
9 party which is not included herein shall be binding or valid. This Agreement may be  
10 modified or amended only by a written amendment signed by all parties.

11                   **VIII.   SEVERABILITY**

12                   The provisions of this Agreement are intended to be severable. If any term or  
13 provision of this Agreement is illegal or invalid for any reason, the remainder of the  
14 Agreement will not be affected.  
15

16                   **IX.     LAWS GOVERNING**

17                   This Agreement shall be governed by the laws of the State of Washington, and  
18 any question arising from the Agreement shall be construed or determined according to  
19 such law. This Agreement is a public record and is subject to public disclosure or  
20 release.

21                   **X.     RIGHT TO COUNSEL**

22                   Adagio and Helen Helfrich acknowledge that each has the right to individual  
23 counsel for representation in this disciplinary matter, at her expense, as set forth in  
24 Disciplinary Regulation 509.1.  
25

**XI. PRESENTATION OF AGREEMENT TO THE BOARD**

Adagio and Ms. Helfrich understand that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Adagio and Ms. Helfrich waive any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

  
\_\_\_\_\_  
Helen Helfrich  
Individually and as Designated CPG of Adagio

24 April 2008  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Adagio and Ms. Helfrich  
WSBA # \_\_\_\_\_

\_\_\_\_\_  
Date

**APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS**

19 DAY OF May, 2008.

  
\_\_\_\_\_  
Hon. Marywave Van Deren  
Chair, Certified Professional Guardian Board